UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
--x
BARBARA LINDBERG, 17-CV-4250

Plaintiff,

COMPLAINT

-against-

IRISH CENTRAL, LLC ECF CASE

Defendant.
--x

Plaintiff, BARBARA LINDBERG, by her attorneys, EDWARD C. GREENBERG, LLC alleges as follows:

PARTIES

1. Plaintiff BARBARA LINDBERG (hereinafter "Plaintiff" or "LINDBERG") is an Irish citizen, who is actively engaged and engages in the business of creating and licensing photography.

2. Defendant IRISHCENTRAL, LLC, (hereinafter "IRISHCENTRAL"), is foreign limited liability company, duly organized and existing under the laws of the State of Delaware, and is authorized to do business in the State of New York, with an address at 875 Avenue of the Americas, Suite 201, New York, New York 10001.

JURISDICTION AND VENUE

3. This is a civil action for copyright infringement.

4. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1338.

5. Venue in the Southern District of New York is proper pursuant to 28 U.S.C. § 1400.

FACTS COMMON TO ALL CLAIMS

6. That Plaintiff LINDBERG is a successful professional photographer with many years of experience and a considerable reputation.

7. LINDBERG is well known in the photography business among the Irish media.

8. LINDBERG derives substantial income from the licensing of images throughout the Republic of Ireland.

9. IRISHCENTRAL is a website centered around articles concerning Ireland, its citizens, events in Ireland, and the Irish diaspora.

10. Defendant company was launched in 2009 by its founder Niall O'Dowd.

11. Upon information and belief, defendant's launch was attended by the New York Times, the Irish Taoiseach (Prime Minister), and other notable and powerful individuals and companies.

12. Defendant is headquartered in New York City, and has an ancillary office in Dublin.

13. IRISHCENTRAL has contributing writers from around the United States and Ireland.

14. According to its Facebook page, IRISHCENTRAL "is America's number one news website for Irish news with over 3.5 million readers a month".

15. Defendant touts that it "is the leading Irish digital media company in North America, providing political, current affairs, entertainment, and historical commentary to the Irish throughout the world."

16. Defendant markets itself as a website for a global audience.

17. According to its website, IRISHCENTRAL is a business that "caters to 34 million Irish Americans and 70 million Irish diaspora and receives 3.5 million unique visitors per month."

18. Additionally, IRISHCENTRAL has a large and quickly growing social media following, including roughly 500k Facebook followers, 33k Twitter followers, and 13k followers on Instagram. The website also enjoys a newsletter subscriber base of 250k.

19. In 2016, IRISHCENTRAL was purchased by a consortium of investors led by Liam Lynch, a New York-based venture capitalist.

UNAUTHORIZED USE OF BIDEN KENNY IMAGE

20. LINDBERG created an image of United States Vice President Joe Biden clinking champagne glasses with Irish Taoiseach (Prime Minister) Enda Kenny on June 24, 2016 (hereinafter the "Biden Kenny Image", a copy of which is annexed hereto within **Exhibit "A"**).

21. LINDBERG is the sole owner of and holds the copyright in the Biden Kenny Image.

22. LINDBERG duly registered the Biden Kenny Image with the United States Copyright Office on September 20, 2016, registration number VA 2-035-202 (a copy of said registration certificate is annexed hereto within Exhibit "A").

23. The Biden Kenny Image was first published in the Irish Independent newspaper, and on its website at http://www.independent.ie/irish-news/news/ireland-funds-40th-anniversary-dinner-at-trinity-college-dublin-34831911.html (the "Irish Independent Publication").

24. The Irish Independent Publication included a *photography credit to LINDBERG.*

25. The Biden Kenny Image was published electronically on the Irish Independent website in a web gallery with the file name "ireland funds – Barbara 003.jpg".

26. LINDBERG included the following metadata in the "Copyright" field of the Biden Kenny Image: "(c)2016 Barbara Lindberg. National Irish newspaper publication only. No third party, syndication or Internet usage allowed. Photographer's Terms and Conditions apply."

27. LINDBERG included the following metadata in the "Instructions" field of the Biden Kenny Image: "Rights to reproduce this Image arise only if Copyright Holder-Photographer's Terms and Conditions are agreed and Copyright Holder-Photographer has

received payment in full in cleared funds for the invoice value of all Images reproduced. Unauthorised publications will be deemed copyright infringements."

28. LINDBERG included the following metadata in the "Description" field of the Biden Kenny Image: "Credit: Barbara Lindberg"

29. The Biden Kenny Image was published electronically on the Irish Independent website with LINDBERG's metadata intact (a screen capture showing the metadata for the Biden Kenny image is annexed hereto within **Exhibit "A"**):

30. Upon information and belief, IRISHCENTRAL appropriated the Biden Kenny image from the Irish Independent Publication, without having obtained a license, authorization or consent from LINDBERG.

31. Upon information and belief, IRISHCENTRAL removed, altered, deleted, mutilated, concealed and/or otherwise destroyed LINDBERG's metadata, except for the metadata in the "Copyright" field, from at least one version of the Biden Kenny Image as displayed by IRISHCENTRAL on its website (screen captures showing the altered metadata for such unauthorized use is annexed hereto within Exhibit "B").

32. IRISHCENTRAL displayed the Biden Kenny Image on its website, irishcentral.com at http://www.irishcentral.com/news/IrelandFundscelebratesits40thyearwith-VicePresidentBiden.html (a screen capture of such unauthorized use is annexed hereto within Exhibit "B").

33. IRISHCENTRAL displayed the Biden Kenny Image on its website, irishcentral.com at http://www.irishcentral.com/images/MIbidenkennyirelandfunds.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "B").

34. IRISHCENTRAL displayed the Biden Kenny Image on its website, irishcentral.com at http://media.irishcentral.com/images/199*150/MI-biden-kenny-ireland-funds.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "B").

35. IRISHCENTRAL displayed the Biden Kenny Image on its website, irishcentral.com at http://media.irishcentral.com/images/533*580/FT3-biden-kenny-ireland-funds.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "B").

36. IRISHCENTRAL displayed the Biden Kenny Image on its website, irishcentral.com at http://media.irishcentral.com/images/440*245/FT5-S-biden-kenny-ireland-funds.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "B").

37. IRISHCENTRAL knowingly used LINDBERG's image and credited the Biden Kenny Image to "Barbara Lindberg / Ireland Funds".

38. Notwithstanding that IRISHCENTRAL knew that LINDBERG was the creator of the Biden Kenny Image, IRISHCENTRAL neither sought nor obtained a license from LINDBERG to use the subject image.

39. IRISHCENTRAL willfully used the Biden Kenny Image without a copyright license from LINDBERG.

40. IRISHCENTRAL renamed the Biden Kenny Image as "MI-biden-kenny-ireland-funds.jpg".

UNAUTHORIZED USE OF KENNY HEANEY IMAGE

41. LINDBERG created an image of United States Vice President Joe Biden with Irish Taoiseach (Prime Minister) Enda Kenny and Marie Heaney on June 24, 2016 (hereinafter the "Biden Heaney Image", a copy of which is annexed hereto within **Exhibit "C"**).

42. LINDBERG is the sole owner of and holds the copyright in the Biden Heaney Image.

43. LINDBERG duly registered the Biden Heaney Image with the United States Copyright Office on September 20, 2016, registration number VA 2-035-202 (a copy of said registration certificate is annexed hereto within Exhibit "C").

44. The Biden Heaney Image was first published in the Irish Independent newspaper, and on its website at http://www.independent.ie/irish-news/news/ireland-funds-40th-anniversary-dinner-at-trinity-college-dublin-34831911.html (the "Irish Independent Publication").

45. The Irish Independent Publication included a *photography credit to LINDBERG.*

46. The Biden Heaney Image was published electronically on the Irish Independent website in a web gallery with the file name "Ireland funds – barbara 005.jpg".

47. LINDBERG included the following metadata in the "Copyright" field of the Biden Heaney Image: "(c)2016 Barbara Lindberg. National Irish newspaper publication only. No third party, syndication or Internet usage allowed. Photographer's Terms and Conditions apply."

48. LINDBERG included the following metadata in the "Instructions" field of the Biden Heaney Image: "Rights to reproduce this Image arise only if Copyright Holder-Photographer's Terms and Conditions are agreed and Copyright Holder-Photographer has received payment in full in cleared funds for the invoice value of all Images reproduced. Unauthorised publications will be deemed copyright infringements."

49. LINDBERG included the following metadata in the "Description" field of the Biden Heaney Image: "Credit: Barbara Lindberg"

50. The Biden Heaney Image was published electronically on the Irish Independent website with LINDBERG's metadata intact (a screen capture showing the metadata for the Biden Heaney image is annexed hereto within **Exhibit "C"**):

51. Upon information and belief, IRISHCENTRAL appropriated the Biden Heaney image from the Irish Independent Publication, without having obtained a license, authorization or consent from LINDBERG.

52. Upon information and belief, IRISHCENTRAL removed, altered, deleted, mutilated, concealed, and/or otherwise destroyed LINDBERG's metadata, except for the metadata in the "Copyright" field, from at least one version of the Biden Heaney Image as displayed by IRISHCENTRAL on its website (a screen capture showing the altered metadata for such unauthorized use is annexed hereto within Exhibit "D").

53. IRISHCENTRAL displayed the Biden Heaney Image on its website, irishcentral.com at http://www.irishcentral.com/news/IrelandFundscelebratesits40thyearwith-VicePresidentBiden.html (a screen capture of such unauthorized use is annexed hereto within Exhibit "D").

54. IRISHCENTRAL displayed the Biden Heaney Image on its website, irishcentral.com at http://media.irishcentral.com/images/1bidenkennymarieheaneyirelandfundsbarbara005.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "D").

55. IRISHCENTRAL knowingly used LINDBERG's image and credited the Biden Heaney Image to "Barbara Lindberg".

56. Notwithstanding that IRISHCENTRAL knew that LINDBERG was the creator of the Biden Heaney Image, IRISHCENTRAL neither sought nor obtained a license from LINDBERG to use the subject image.

57. IRISHCENTRAL willfully used the Biden Heaney Image without a copyright license from LINDBERG.

58. IRISHCENTRAL renamed the Biden Heaney Image as "1-biden-kenny-marie-heaney-ireland-funds---barbara-005.jpg".

UNAUTHORIZED USE OF O'CONNOR IMAGE

59. LINDBERG created an image of the performer known as Sinead O'Connor (hereinafter the "O'Connor Image", a copy of which is annexed hereto as **Exhibit "E"**).

60. LINDBERG is the sole owner of and holds the copyright in the O'Connor Image.

61. The O'Connor Image was first published in Ireland in the paper edition of the Irish Sun and on the Irish Sun's website at www.thesun.ie/irishsol/homepage/showbiz/4719194/Sincead-OConnor-single-again-after-splitting-with-boyfriend.html (the "Irish Sun Publication").

62. The Irish Sun Publication included a *photography credit to LINDBERG.*

63. The O'Connor Image was published electronically on the Irish Sun website with the file name "sinead620_1645817a".

64. The O'Connor Image was published electronically on the Irish Sun website in a 620 pixels by 570 pixels size format.

65. Upon information and belief, IRISHCENTRAL appropriated the O'Connor image from the Irish Sun Publication, without having obtained a license, authorization or consent from LINDBERG.

66. IRISHCENTRAL knowingly used LINDBERG's image.

67. IRISHCENTRAL displayed the O'Connor Image on its website, irishcentral.com at http://www.irishcentral.com/story/ent/amyandrews_gossipgirl/sineadoconnorbelievessexisgodly185357661.html (a screen capture of such unauthorized use is annexed hereto within Exhibit "F").

68. IRISHCENTRAL displayed the O'Connor Image on its website, irishcentral.com

at http://media.irishcentral.com/images/20130101073007SineadOConnor.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "F").

69. IRISHCENTRAL did not credit the O'Connor image to LINDBERG.

70. Notwithstanding that IRISHCENTRAL knew that LINDBERG was the creator of the O'Connor Image, IRISHCENTRAL neither sought nor obtained a license from LINDBERG to use the subject image.

71. IRISHCENTRAL willfully used the O'Connor Image without a copyright license from LINDBERG.

72. IRISHCENTRAL renamed the O'Connor Image as "20130101073007Sinead-O-Connor.jpg".

73. IRISH CENTRAL published the O'Conner Image on its website in a 620 pixels by 570 pixels size format.

UNAUTHORIZED USE OF SMITHFIELD IMAGE

74. LINDBERG created an image of people and horses fleeing the scene of a shooting at the Smithfield Horse Fair (hereinafter the "Smithfield Image", a copy of which is annexed hereto within **Exhibit "G"**).

75. LINDBERG is the sole owner of and holds the copyright in the Smithfield Image.

76. LINDBERG duly registered the Smithfield Image with the United States Copyright Office on June 3, 2011, registration number VA 1-776-403 (a copy of said registration certificate is annexed hereto within Exhibit "G").

77. The Smithfield Image was first published in Ireland in hardcopy editions of various national newspapers.

78. The Smithfield Image was also published electronically by the MailOnline at its website dailymail.co.uk (the "MailOnline Publication").

79. The Smithfield Image was published electronically on the MailOnline website with the file name "article-1363753-0D7EA494000005DC-807_634x395.jpg".

80. The Smithfield Image was published electronically on the MailOnline website in a 634 pixels by 395 pixels size format.

81. LINDBERG included the following metadata in the "Copyright" field of the Smithfield Image: "(c)2011 Barbara Lindberg. All Rights Reserved. Republic of Ireland Rights Only. No Internet, resale, printing, third party usage or syndication allowed. Usage of photos subject to copyright holder's Terms & Conditions (available upon request)."

82. LINDBERG included the following metadata in the "Description" field of the Smithfield Image: "People and horses scatter as an apparent pipe bomb goes off and/or shooting takes place during the Smithfield Horse Fair in Smithfield, Dublin, Ireland on Sunday March 6, 2011. (Photo by Barbara Lindberg but DO NOT USE A PHOTO CREDIT!)."

83. The MailOnline Publication of the Smithfield Image had LINDBERG's metadata intact (a screen capture showing the metadata for the Smithfield image is annexed hereto within **Exhibit "G"**).

84. The MailOnline Publication did not include a photography credit to LINDBERG.

85. Upon information and belief, IRISHCENTRAL appropriated the Smithfield image from the MailOnline Publication, without having obtained a license, authorization or consent from LINDBERG.

86. Upon information and belief, IRISHCENTRAL removed, altered, deleted, mutilated, concealed, and/or otherwise destroyed LINDBERG's metadata for at least one version of the Smithfield Image as displayed by IRISHCENTRAL on its website (a screen capture showing the altered metadata for such unauthorized use is annexed hereto within Exhibit "H").

87. IRISHCENTRAL published the Smithfield Image to its website with the file name "Smithfield-run.jpg".

88. IRISHCENTRAL displayed the Smithfield Image on its website, irishcentral.com at http://www.irishcentral.com/news/Dublin-mayor-seeks-for-Smithfield-horse-market-to-be-banned-following-shooting-117574853.html (a screen capture of such unauthorized use is annexed hereto within Exhibit "H").

89. IRISHCENTRAL displayed the Smithfield Image on its website, irishcentral.com at http://media.irishcentral.com/images/Smithfield+run.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "H").

90. IRISHCENTRAL displayed the Smithfield Image on its website, irishcentral.com at http://media.irishcentral.com/images/419*261/Smithfield+run.jpg (a screen capture of such unauthorized use is annexed hereto within Exhibit "H").

91. IRISHCENTRAL knowingly used LINDBERG's image and credited the Smithfield Image to "Barbara Lindberg".

92. Notwithstanding that IRISHCENTRAL knew that LINDBERG was the creator of the Smithfield Image, IRISHCENTRAL neither sought nor obtained a license from LINDBERG to use the subject image.

93. IRISHCENTRAL willfully used the Smithfield Image without a copyright license from LINDBERG.

94. IRISH CENTRAL published the Smithfield Image on its website in a 634 pixels by 395 pixels size format.

ADDITIONAL FACTS COMMON TO ALL CLAIMS

95. The Biden Kenny Image, Biden Heaney Image, O'Connor Image, Smithfield Image are referred to collectively and individually herein as the "Subject Images".

96. LINDBERG is well known as the creator of the Subject Images.

97. The Subject Images were/are commercially valuable to Plaintiff.

98. The Subject Images were/are commercially valuable to Defendant.

99. Defendant has upon information and belief photoshopped, cropped, electronically mutilated, or otherwise modified the Subject Images from their original format, so as to delete, remove, crop, electronically mutilate, or otherwise conceal the Metadata from the Subject Images.

100. Such alteration and/or mutilation constitutes circumvention of the copyright management systems, which are used by the Plaintiff to deter potential infringements.

101. That defendant was aware that the Subject Images were subject to copyright protection.

102. That even a Google Image search result states that "Images may be subject to copyright."

103. Defendant has never sought nor obtained from LINDBERG, nor has LINDBERG ever granted the Defendant any license, authorization or consent to employ any of the Subject Images in any medium or format whatsoever.

104. Plaintiff by its counsel issued and delivered a writing dated February 22, 2017, notifying Defendant of infringing uses being made of the images by it, hereinafter the Notice Letter (a copy of which is annexed hereto as **"I"**, sans it exhibits which are included within Exhibits A-H herein).

105. The Notice Letter requested that defendant immediately cease and desist all uses of the Subject Images.

106. The Notice Letter requested, *inter alia*, a disclosure of the full nature and extent of defendant's uses of the Subject Images so that Plaintiff could in good faith formulate a

reasonable fee to compensate him for the unauthorized use.

107. That defendant, responded orally and in writing to Notice Letter.

108. Plaintiff expended herculean efforts to attempt to obviate the need to file the within action.

109. Plaintiff through its counsel corresponded with defendant regarding this matter, first via one Mr. Niall O'Dowd, followed by defendant's counsel via one Mr. Harry H. Rimm, Esq. of Sullivan & Worcester LLP, followed by its subsequent counsel via one Mr. Partha Chattoraj of Allegaert Berger & Vogel LLP.

110. Despite plaintiff's efforts, the parties have been unable to resolve their dispute absent litigation.

111. Plaintiff is committed to protecting her copyright in the Subject Image.

112. That the Defendant has no defense at law to the claims set forth herein.

113. That the full nature and extent of all infringing uses of plaintiff's Image by defendant is unknown to Plaintiff as of this writing, said information being within the sole knowledge, custody, and control of Defendant. That such details and information are expected to be ascertained through discovery in this action.

114. Paragraphs "1" through "113" are incorporated by reference with respect to each of the below claims for relief.

FIRST CLAIM FOR RELIEF
Copyright Infringement Under Section 501 of the Copyright Act

115. That the uses of Plaintiff's Subject Images by the Defendant, in connection with the website www.irishcentral.com was and are without the Plaintiff's authorization, license or consent.

116. That the use of each image constitutes a separate claim for copyright

infringement, such that Plaintiff alleges four separate claims of copyright infringement herein for each of the Biden Kenny Image, Biden Heaney Image, O'Connor Image, and Smithfield Image, respectively.

117. That, upon information and belief, the aforementioned acts of Defendant, constitute federal statutory copyright infringement under Section 501 of the Copyright Act in violation of the rights granted to LINDBERG as copyright holder.

118. That, upon information and belief, Defendant's uses of the Subject Images were willful, intentional and in bad faith.

119. Upon information and belief, defendant obtained plaintiff's Subject Images from three separate publications, to wit, the Irish Independent Publication, MailOnline Publication and the Irish Sun Publication.

120. Upon information and belief, defendant knowingly and willfully appropriated the Subject Images without a license, authorization or consent from Plaintiff.

121. That, upon information and belief, Defendant's uses of the Subject Images in violation of Plaintiff's copyright were negligent in that it knew or should have known that it was without a license(s) for the uses complained of herein.

122. That, upon information and belief, Defendant, had actual and/or constructive knowledge and/or through the exercise of ordinary business care and/or the examination of public records, knew or should have known that Plaintiff held the copyright in the Subject Images, that Defendant never had (at any of the relevant times herein) a license(s), consent, or authorization by Plaintiff for the uses of Plaintiff's Subject Images on its website or in any other medium of news source employed by Defendant, and that any such use would be in violation of Plaintiff's copyright.

123. That as a result of Defendant's acts, Plaintiff has been and will continue to be

damaged in an amount as yet to be determined.

124. Plaintiff is a professional photographer who earns her livelihood by licensing rights to third parties to employ her photographic images.

125. That Plaintiff is further entitled to damages, attorneys' fees and costs under Section 504 and 505 of the Copyright Act, 17 U.S.C. Section 101 et., seq., given the willful, intentional, malicious and bad faith nature of Defendant's copyright infringement of each of the Biden Kenny Image, Biden Heaney Image, and Smithfield Image.

126. Alternative to statutory damages, Plaintiff, at her election prior to judgment is entitled to recover her actual damages and any additional profits of the Defendant, attributable to the infringements of each of the Subject Images as under 17 U.S.C. Sections 504 (a)-(b).

127. Plaintiff is entitled to an injunction permanently enjoining and prohibiting the Defendant from utilizing the Subject Images in any manner whatsoever.

SECOND CLAIM FOR RELIEF

Removal or Alteration of Copyright Management Information
Under Section 1202 of the Copyright Act

128. The Biden Kenny Image, Biden Heaney Image, and Smithfield Image are hereinafter referred to individually and collectively as the "Subject Three Images".

129. Upon information and belief, Defendant intentionally and willfully removed, altered, deleted, mutilated, concealed and/or otherwise destroyed LINDBERG's metadata from the Subject Three Images, without the authority of LINDBERG.

130. That Defendant distributed plaintiff's Subject Three Images *at least* on www.irishcentral.com, while knowing that it had removed, altered, deleted, mutilated, concealed and/or otherwise destroyed LINDBERG's metadata from the Subject Three Images, without the authority of LINDBERG.

131. The removal, alteration, deletion, mutilation, concealment, and/or otherwise destruction of LINDBERG's metadata from the Subject Three Images, without the authority of LINDBERG, constitutes a violation of Section 1202(b) of the Copyright Act.

132. Upon information and belief, Defendant knew and/or had reasonable grounds to know that by removing, altering, deleting, mutilating, concealing and/or otherwise destroying LINDBERG's metadata from the Subject Three Images, that it would induce, enable, facilitate, or conceal defendant's infringement of Plaintiff's Subject Three Images.

133. That Defendant intentionally and/or knowingly removed, altered, deleted, mutilated, concealed and/or otherwise destroyed LINDBERG's metadata from the Subject Three Images, in order to conceal that its uses of the Subject Three Images were without the authorization of LINDBERG and in violation of law.

134. As a result of Defendant's actions with regard to LINDBERG's metadata in the Subject Three Images, Plaintiff has been and will continue to be damaged in an amount as yet to be determined.

135. As a result of Defendant's actions with regard to LINDBERG's metadata in the Subject Three Images, Plaintiff is entitled to damages in the form of actual or statutory damages pursuant to 17 U.S.C. 1203(b)(3) and 1203(c), costs pursuant to 17 U.S.C. 1203(b)(4), reasonable attorney's fees pursuant to 17 U.S.C. 1203(b)(5), a temporary and permanent injunction pursuant to 17 U.S.C. 1203(b)(1), and or the impounding, modification or destruction of any items involved in the violation pursuant to 17 U.S.C. 1203(b)(2) and 1203(b)(6).

136. Plaintiff, in addition to remedies based in the sited sections of U.S.C. Title 17, is further entitled to award(s) of monetary damages as set forth in sections 17 U.S.C. § 1201 through at least 1204 inclusive, in amounts specifically set forth in said sections.

JURY DEMAND

137. That Plaintiff requests a trial by jury of all issues.

WHEREFORE, Plaintiff demands judgment as against the Defendant as follows:

ON THE FIRST CLAIM- (A) Award to plaintiff her actual damages incurred as a result of Defendant's infringements, and all profits realized as a result of their infringements, in amounts to be determined at trial but in an amount to be determined by this court; or (B) in the alternative, at Plaintiff's election, award to Plaintiff maximum statutory damages pursuant to 17 U.S.C. § 504 for each individual act of infringement, and for an order of injunction permanently enjoining and prohibiting the Defendant, including but not limited to wholly owned subsidiaries, from employing or utilizing in any manner or media whatsoever, including all future uses, sales, transfers, assignments, or licensing of any and all of Plaintiff's copyrighted Subject Images, pursuant to 17 U.S.C. § 502 and for an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;

ON THE SECOND CLAIM- (A) Award to Plaintiff her actual damages incurred as a result of Defendant's infringements, in amounts to be determined at trial but in an amount to be determined by this court; or (B) in the alternative, at Plaintiff's election, award to Plaintiff maximum statutory damages pursuant to 17 U.S.C. § 1203 and the sub-paragraphs therein for each individual act of infringement; and for an order of injunction permanently enjoining and prohibiting the Defendant, including but not limited to wholly owned subsidiaries, from employing, altering, cropping, mutilating or otherwise utilizing Plaintiff's copyrighted Subject Three Images or its copyright management information in any manner or media whatsoever, pursuant to 17 U.S.C. § 1203(b)1; and for an award of costs and attorneys' fees pursuant to 17 U.S.C. § 1203(b)(4)-(5);

Prejudgment interest on all sums due;

And such other and further relief as this Court may deem just and proper inclusive of any and all relief or remedies allowable by the statutes referenced or applicable hereinabove.

Dated: New York, NY
June 6, 2017

Yours, etc.,

EDWARD C. GREENBERG, LLC.

s/ Edward C. Greenberg (5553)____________
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